

09-21-04

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Attorney Docket No. 1909.03

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: WETTSTEIN et al.)
Application No.: 10/099,924)
Filed: March 14, 2002)
For: SURVIVIN-INTERACTING)
PROTEINS AND USE THEREOF)

Group Art Unit: 1642

Examiner: A. Harris

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Stacey Stamper
Stacey L. Stamper

9/20/04

Date

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following remarks are filed in response to the Examiner's new Restriction Requirement mailed August 18, 2004.

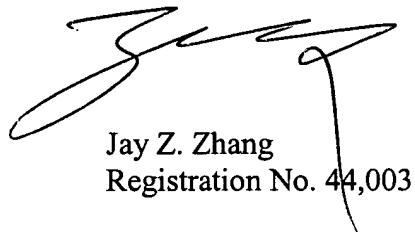
In response to the Examiner's new restriction, Applicants elect Claims 1-5, 7 and 39 (Group 1-7 with the second protein being HDLC1) with traverse for examination on the merits.

Applicants note that Claims 11-26 are process claims directed to a method of using the product in Claims 1-5, 7 and 39. Applicants therefore reserve the right to have such process claims rejoined at an appropriate time under 35 U.S.C. §103(b). *See* MPEP §706.02(n).

In view of the foregoing it is respectfully submitted that this application is now in condition for substantive examination on the merit. Early issuance of a notice of allowance is respectfully requested.

It is not believed that any time extension or fees are required with this response. If this is incorrect, an extension of time as deemed necessary is hereby requested, and the Commissioner is hereby authorized to charge any appropriate fees or deficiency or credit any over payment to Deposit Account no. **50-1627**.

Respectfully submitted,



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Date: September 20, 2004